

*✓ 21 Comp. Gen. 339 overruled*

FILE: B-185591

DATE: MAY 5 1976

MATTER OF: Subscription to periodical.

## DIGEST:

Appropriated funds may be used to purchase subscription to periodical if subscription is justified as a "necessary" agency expense. Subscription need not be considered indispensable. 21 Comp. Gen. 339 (1941) is no longer applicable.

This decision responds to a request by Ms. Anne C. Hansen, an authorized Certifying Officer of the Mining Enforcement and Safety Administration (MESA), Department of the Interior, concerning the propriety of payment of \$11.00 for one year's subscription to the Federal Employees News Digest, which was requisitioned by a MESA employee.

Citing our decision in 21 Comp. Gen. 339 (1941), the Certifying Officer requests our determination, whether:

"\* \* \* it is appropriate to pay for this periodical or like newspapers or periodicals which do not appear to be indispensable for the accomplishment of the mission of the Mining Enforcement and Safety Administration."

In the case cited, we held that purchase of certain publications was appropriate only where it was administratively determined that their acquisition was "indispensable--as distinguished from merely desirable or helpful--to the accomplishment of the purposes" for which a specific appropriation was made. Id., 341.\*

However, our 1941 decision was based on section 3 of the Act of March 15, 1898, 30 Stat. 316, which provided:

"That hereafter law books, books of reference, and periodicals for use of any Executive Department, or other Government establishment\* \* \* at the seat of Government shall not be purchased or paid for from any appropriation made for contingent expenses

WC

PUBLISHED DECISION

55 Comp. Gen. ....

766531 / O 87648

B-185591

RECEIVED 12-1-71  
 WILLIAM H. HARRIS, JR.  
 SECRETARY OF DEFENSE  
 SECRETARY OF DEFENSE

or for any specific or general purpose unless such purchase is authorized and payment therefor specifically provided in the law granting the appropriation."

This statutory provision was repealed in 1946, and 21 Comp. Gen. 339 is no longer for application. The current rule with respect to periodical subscriptions is the same as that governing proposed uses of appropriated funds generally, i.e., their purchase must only be justified as a "necessary expense" of the agency. See 39 Comp. Gen. 320 (1959); 27 id. 746, 747 (1948).

Accordingly, the instant voucher (which is returned herewith to the Certifying Officer) may be paid, if otherwise correct, upon administrative determination that a subscription to the Federal Employees News Digest is necessary in carrying out MESA's functions. See generally, 51 Comp. Gen. 797 (1972); B-172556, December 29, 1971; B-171856, March 3, 1971.

PAUL KELLER

Deputy

Comptroller General  
 of the United States

RECEIVED 12-1-71  
 WILLIAM H. HARRIS, JR.  
 SECRETARY OF DEFENSE  
 SECRETARY OF DEFENSE